

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Ivan Leon _____,

Plaintiff[s],

-v-

James Hart, et al.,

Defendant[s].

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DOC #:
DATE FILED: 5/6/14

No. 13 Civ. 9243 (RJS)
CASE MANAGEMENT PLAN AND
SCHEDULING ORDER FOR § 1983 CASE

RICHARD J. SULLIVAN, District Judge:

Pursuant to Rules 16-26(f) of the Federal Rules of Civil Procedure, and the Southern District of New York's "Plan For Certain § 1983 Cases Against the City of New York" (the "§ 1983 Plan"), the Court hereby adopts the following Case Management Plan and Scheduling Order for § 1983 Case.

1. All parties **do not consent** to disposition of this case by a Magistrate Judge, pursuant to 28 U.S.C. § 636(c). *[Please choose one.] [If all consent, the remainder of the Order need not be completed at this time.]*
2. This case is to be tried to a jury. *[Please choose one.]*
3. Except as provided in paragraph 8 below, no additional parties may be joined and no amended pleadings may be filed without leave of the Court.
4. Pursuant to paragraph 1 of the § 1983 Plan, a § 160.50 Release and any applicable Medical Releases were served on Defendant(s) on January 7, 2014.
5. Pursuant to paragraph 3 of the § 1983 Plan, Defendant(s) answer in this case is due/was filed on March 28, 2014.
6. Pursuant to paragraph 4 of the § 1983 Plan, a Rule 26(f) conference shall be held on or before April 11, 2014 *[within 14 days after the first defendant files its answer]* and initial disclosures shall be exchanged on or before April 18, 2014 *[within 21 days after the first defendant files its answer]*.
7. The limited discovery described in paragraph 5 of the § 1983 Plan shall be completed on or before April 25, 2014 *[within 28 days after the first defendant files its answer]*.

8. Pursuant to paragraph 6 of the § 1983 Plan, the deadline to amend the complaint to name additional defendants without leave of Court shall be ~~May 8, 2014~~ May 23, 2014 [within 6 weeks after the first defendant files its answer].
9. Pursuant to paragraph 7 of the § 1983 Plan, the deadline for plaintiff to serve a written settlement demand on the City shall be May 9, 2014 [within 6 weeks after the first defendant files its answer] and the City shall provide a response in writing by May 23, 2014 [within 14 days of plaintiff's demand].
10. Pursuant to paragraph 8 of the § 1983 Plan, the parties must appear for a settlement conference with the Southern District's Mediation Program on or before June 30, 2014 [within 3 months after the first defendant files its answer]. All counsel must also meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery.
11. All fact discovery is to be completed no later than September 3, 2014. [A period not to exceed 120 days unless the case presents unique complexities or other exceptional circumstances].
12. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 11 above.
- a. Interrogatories shall be served by May 20, 2014.
 - b. Depositions shall be completed by September 3, 2014.
 - i. Absent an agreement between the parties or an order from the Court, depositions are not to be held until all parties have responded to initial requests for document production.
 - ii. There is no priority in deposition by reason of a party's status as a plaintiff or a defendant.
 - iii. Absent an agreement between the parties or an order from the Court, non-party depositions shall follow initial party depositions.
 - d. Requests to Admit shall be served no later than August 4, 2014.

13. All *expert* discovery, including disclosures, reports, production of underlying documents, and depositions shall be completed pursuant to the following deadlines:

- a. Expert(s) of Plaintiff(s) October 3, 2014.
- b. Expert(s) of Defendant(s) November 3, 2014.

[The parties shall be prepared to describe their contemplated expert discovery and the bases for their proposed deadlines at the initial conference.]

14. All discovery shall be completed no later than November 3, 2014.

15. The Court will conduct a post-discovery conference on Nov. 18, 2014 at 10:30 *[To be completed by the Court. The conference will be scheduled within three weeks of the close of all discovery.]*

16. If either party contemplates a motion, the post-discovery conference will function as a pre-motion conference. Pre-motion letters are to be submitted by Nov. 3, 2014. *[To be completed by the Court. The deadline will be no later than two weeks prior to the post-discovery status conference.]* Pursuant to Rule 2.A of the Court's Individual Practices, responses to pre-motion letters are to be submitted within three business days from the date of service of the initial pre-motion letter. Pre-motion letters and responses shall be submitted to the chambers' email address at sullivanysdchambers@nysd.uscourts.gov.

17. If neither party contemplates a dispositive motion, the post-discovery conference will function as a pre-trial conference at which a trial date will be set.

18. Parties have conferred and their present best estimate of the length of trial is 3 days.

SO ORDERED.

DATED: May 6, 2014
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE